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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/553,723 ✓	
	Filing Date		
	First Named Inventor	Komatsuda et al.	
	Art Unit		
	Examiner Name		
Total Number of Pages in This Submission		Attorney Docket Number	3240-7498US

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) ____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Signed Declaration and Power of Attorney (3 pages)
<b>Remarks</b> The Commissioner is authorized to charge any additional fees required but not submitted with any document or request requiring fee payment under 37 C.F.R. §§ 1.16 AND 1.17 TO Deposit Account 20-1469 during pendency of this application.		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	TraskBritt, P.C.		
Signature			
Printed Name	Allen C. Turner		
Date	February 23, 2006	Reg. No.	33,041

### CERTIFICATE OF MAILING

Express Mail Label Number: EL995986458US

Date of Deposit: February 23, 2006

Person Making Deposit: Timothy Palfreyman

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Attorney Docket No. 3240-7498US

DECLARATION FOR PATENT APPLICATION (WITH POWER OF ATTORNEY)

As an inventor named below or on any attached continuation page, I hereby declare that:  
My residence, post office address and citizenship are as stated next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS OF IDENTIFYING SPIKE MORPHOLOGY AND FUSARIUM HEAD BLIGHT RESISTANCE, AND THE USE OF THESE METHODS FOR IMPROVING BARLEY AND RELATED TRITICEAE PLANTS (AS AMENDED)**, the specification of which (check one):

- ☐ is attached hereto.  
☐ was filed on \_\_\_\_\_ as United States application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_.  
☒ was filed on April 15, 2004, as PCT international application no. PCT/JP2004/005407 and was amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and on any attached continuation page and have also identified below and on any attached continuation page any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America having a filing date before that of the application(s) on which priority is claimed.

Prior foreign/PCT application(s):

			Priority	Claimed
2003-110682	JP	15/4/2003	X	
(number)	(country)	(day/month/year filed)	Yes	No
_____	_____	_____	_____	_____
(number)	(country)	(day/month/year filed)	Yes	No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or § 365(c) of PCT international application(s) designating the United States of America listed below and on any attached continuation page and, insofar as the subject matter of each of the claims of this application is not disclosed in any such prior application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to

**DECLARATION FOR PATENT APPLICATION**  
(continuation page)

Invention Title: METHODS OF IDENTIFYING SPIKE MORPHOLOGY AND FUSARIUM HEAD BLIGHT RESISTANCE, AND THE USE OF THESE METHODS FOR IMPROVING BARLEY AND RELATED TRITICEAE PLANTS

patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of such prior application and the national or PCT international filing date of this application:

\_\_\_\_\_  
(application serial no.)

\_\_\_\_\_  
(filing date)

\_\_\_\_\_  
(status—pending, patented or abandoned)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

\_\_\_\_\_  
(provisional application no.)

\_\_\_\_\_  
(filing date)

I hereby appoint the Registered Practitioners associated with **Customer Number 24247** to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all correspondence to: Allen C. Turner, telephone no. (801) 532-1922, at the address associated with **Customer Number 24247**, as follows:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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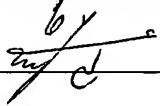
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**DECLARATION FOR PATENT APPLICATION**  
(continuation page)

Invention Title: METHODS OF IDENTIFYING SPIKE MORPHOLOGY AND FUSARIUM HEAD BLIGHT RESISTANCE, AND THE USE OF THESE METHODS FOR IMPROVING BARLEY AND RELATED TRITICEAE PLANTS

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